

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

SINGULAR COMPUTING LLC,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Civil Action No. 1:19-cv-12551-FDS

Hon. F. Dennis Saylor IV

**PLAINTIFF SINGULAR COMPUTING LLC'S ASSENTED-TO MOTION TO  
IMPOUND PURSUANT TO LOCAL RULE 7.2**

Pursuant to Local Rule 7.2 and the Protective Order in this case (“Protective Order”), ECF No. 87, plaintiff, Singular Computing LLC (“Singular”), respectfully requests the Court to impound (seal): (i) Plaintiff’s Opposition to the Motion of defendant, Google LLC (“Google”) to Compel and (ii) Exhibits D, E, F and H to the accompanying Declaration of Kevin Gannon. The Exhibits to be sealed are described below.

The Protective Order allows the parties to designate discovery material as “Confidential” after making a determination it “contains or reflects confidential, proprietary, and/or commercially sensitive information.” Protective Order, ¶ 7(a). The Protective Order also allows the parties to designate discovery material as “Highly Confidential - Attorney’s Eyes Only” after making a determination it “contains or reflects information that is extremely confidential and/or sensitive in nature and the Producing Party reasonably believes that the disclosure of such Discovery Material is likely to cause economic harm or significant competitive disadvantage to the Producing Party.” *Id.* at ¶ 8(a).

The Protective Order requires a party intending to make court filings referring to material designated as “Confidential” or “Highly Confidential Attorney’s Eyes Only” to bring a motion to

impound. *Id.* at ¶ 14. The following Exhibits to the Declaration of Kevin Gannon contain information that has been designated by one or both of the parties hereto as “Confidential” or “Highly Confidential – Attorneys Eyes Only” under the Protective Order:

- Exhibit D is a presentation designated by Google as “Highly Confidential – Attorneys Eyes Only” and “Highly Sensitive Technical Material”;
- Exhibit E is a presentation designated by Google as “Confidential”;
- Exhibit F contains excerpts from the transcript of the deposition of Catherine Tornabene designated by Google as “Highly Confidential – Attorneys Eyes Only”; and
- Exhibit H is a copy of Plaintiff’s Supplemental Response to Defendant’s Interrogatory No. 18 designated by Singular as “Highly Confidential – Attorneys Eyes Only”.

Further, Singular’s Opposition brief quotes from and /or discusses excerpts from the above Exhibits that have been designated as “Confidential” or “Highly Confidential - Attorneys Eyes Only.” Accordingly, a redacted, public version of Singular’s Opposition will be filed concurrently with this Motion to Impound.

For the foregoing reasons, Singular respectfully requests that the Court permit it to file under seal: (i) the above-identified Exhibits and (ii) those portions of Singular’s Opposition brief that quote from and/or discuss the information designated “Confidential” or “Highly Confidential – Attorneys Eyes Only” within those Exhibits. Singular further requests that the documents remain impounded until further Order by the Court, and that upon expiration of the impoundment that the documents be returned to Singular’s counsel.

Dated: July 22, 2021

Respectfully submitted,

*/s/ Paul J. Hayes*

---

Paul J. Hayes (BBO #227000)  
Matthew D. Vella (BBO #660171)  
Kevin Gannon (BBO #640931)  
Daniel McGonagle (BBO #690084)  
Michael J. Ercolini (pro hac vice)  
Thomas R. Fulford (BBO #686160)  
Alyssa H. Ruderman (pro hac vice)  
PRINCE LOBEL TYE LLP  
One International Place, Suite 3700  
Boston, MA 02110  
Tel: (617) 456-8000  
Email: phayes@princelobel.com  
Email: mvella@princelobel.com  
Email: kgannon@princelobel.com  
Email: dmgonagle@princelobel.com  
Email: mercolini@princelobel.com  
Email: tfulford@princelobel.com  
Email: aruderman@princelobel.com

ATTORNEYS FOR THE PLAINTIFF

**LOCAL RULE 7.1(a)(2) CERTIFICATION**

I hereby certify that counsel for Singular conferred with Defendant's counsel in a good-faith attempt to resolve or narrow the issue raised by this motion. Defendant's counsel informed me that Google assents to the relief sought in this motion.

*/s/ Paul J. Hayes*

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system.

*/s/ Paul J. Hayes*